

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x Docket No. 08cv6181 (DC)

CARMELLA LANZETTA,

Plaintiff

-against-

FLORIO'S ENTERPRISES INC, d/b/a
FLORIO'S RESTAURANT, RALPH
AMORUSO and LAWRENCE AMORUSO.

RULE 56.1 STATEMENT OF
UNDISPUTED MATERIAL
FACTS

Defendants

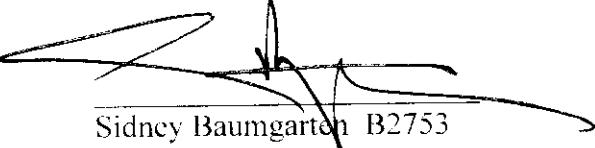
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Defendants respectfully submit this rule 56.1 Statement of Undisputed

Material Facts in support of their motion for Summary Judgment:

1. Plaintiff, Carmella Lanzetta, worked for the defendant, Florio's Restaurant from June 2004 to May 2008.
2. During that time, Plaintiff, Carmela Lanzetta, was employed as a waitress.
3. Plaintiff's hours were 2 PM to 10 PM (Aff. of Lawrence Amoruso ¶ 9).
4. No employees of the defendants work overtime (Aff. of Ralph Amoruso ¶ 13).
5. Plaintiff was paid by checks issued by Paychex (Aff. of Ralph Amoruso ¶ 7, Aff. of Lawrence Amoruso ¶ 9, Exhibit "A").
6. Salary checks to plaintiff included tips (Aff. of Lawrence Amoruso ¶ 5, Exhibit "A").
7. W-2 Forms were issued to plaintiff each year by defendants (Aff. of Lawrence Amoruso ¶ 7, Exhibit "B").
8. Plaintiff denies having ever received salary, denies having received the W-2's, and maintained no records of her days and hours worked (Aff. of Lawrence Amoruso ¶ 11, Exhibit "C").
9. Plaintiff worked for three years in the past as a bookkeeper (Aff. of Lawrence Amoruso ¶ 11, Exhibit "C").

10. Plaintiff never checked the documents she gave to her accountant (Aff. of Lawrence Amoruso ¶ 11m Exhibit "C").

New York NY
August 31, 2009



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